

### **REMARKS**

Claims 1 to 51 are pending. Claims 6-9 are currently canceled. Claims 10 and 15-51 have been withdrawn from consideration. Claim 1 is currently amended without prejudice by incorporating the markush group from claim 7 and deleted the biotin bonding language.

Reconsideration of the application is respectfully requested.

### **§ 102 and 103 Rejections**

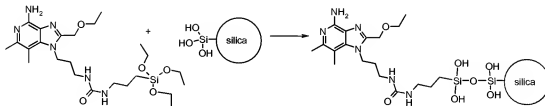
Claims 1-9 and 11 were rejected under 35 USC § 102 and 103 over US '129 (Miller) and US '060 (Slade) (as set forth in previous Office Actions).

A key area of disagreement is where the Office Action states that:

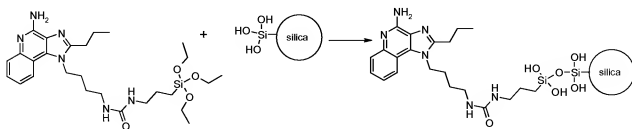
There is no showing or examples of the bonding, at which position or between which groups this bonding exists. When the same two reactants are present in the same condition it would be obvious that the reaction would be the same.

Applicants respectfully submit that the application discloses numerous unequivocal examples of both covalent bonding and biotin bonding, that the chemistry and structure would be clear to a chemist of ordinary skill in the art, and, importantly, that the prior art does *not* in fact disclose the same reactants present in the same conditions. Below are the reaction schemes showing covalent bonding that would be well understood from the examples:

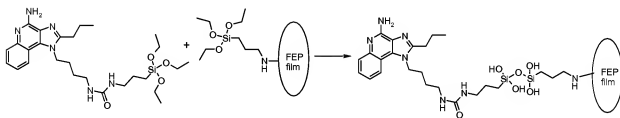
Examples 2 – 6



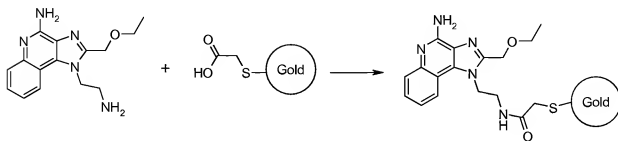
Examples 7 – 11



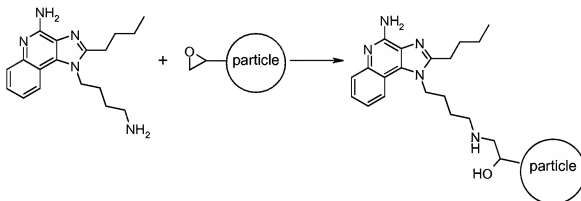
## Example 13



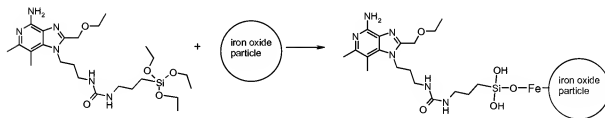
## Examples 15 and 16



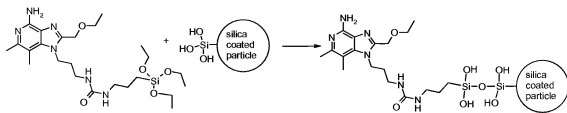
## Example 19



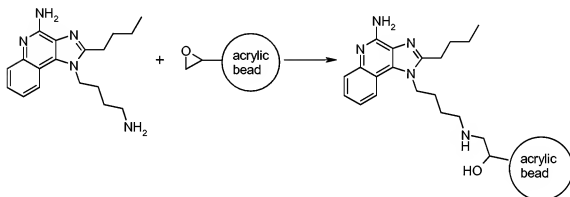
## Example 20



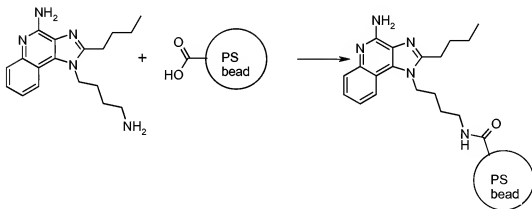
## Example 21



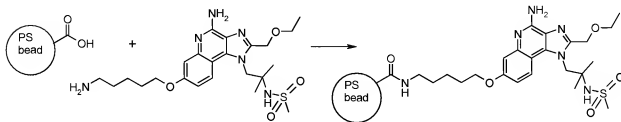
## Examples 27 - 29



## Examples 30 &amp; 31



## Example 32



Applicants therefore request that the rejection under 35 USC § 102 and 103 has been overcome and should be withdrawn.

**§ 112 Rejection**

Claims 1-9 and 11-14 were rejected under 35 USC § 112, first paragraph.

However, Applicants respectfully submit that one of ordinary skill would recognize that the linking chemistries demonstrated in the present application are applicable to many well known materials. Many different examples are provided. Examples 2-6 and 7-11 show linkage to silica; example 13 shows linkage to FEP film; examples 15-16 show linkage to gold; example 19 shows linkage to epoxy Dynabeads; example 20 shows linkage to iron oxide; example 21 shows linkage to silica coated superparamagnetic particles; examples 27-29 show linkage to acrylic; 30-32 shows linkage to polystyrene.

Also, an important aspect of the invention is the demonstration that the IRM compounds are active even when linked to macromolecules. Once this has been shown along with various linking chemistries, it would not require undue experimentation to make a large variety of useful linked combinations.

Accordingly, Applicants request withdrawal of the rejection under 35 USC 112, first paragraph.

In view of the above, it is submitted that the application is in condition for allowance.  
Examination and reconsideration of the application is requested.

Respectfully submitted,

May 21, 2008

Date

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